1635  
JAW**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

	Application Number	09/591,185
	Filing Date	June 8, 2000
	First Named Inventor	Ronald M. Cook
	Art Unit	1635
	Examiner Name	Epps Ford, Janet L.
Total Number of Pages in This Submission	Attorney Docket Number	061873-5002US

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request (See Remarks) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"><li>• Return postcard</li><li>• Revocation of Power of Attorney with Schedule A;</li><li>• Power of Attorney with Statement Under 37 CFR 3.73(b) combined, with attached Assignment As Sent to the USPTO for Recordation</li></ul>
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 50-0310.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual	Morgan, Lewis & Bockius LLP	Reg. No. 46,690
Signature		
Date	October 8, 2004, 2004	

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being transmitted to the USPTO via United States Postal Service first class mail, with sufficient postage an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Kathryn A. Degliantoni		
Signature		Date	October 8, 2004



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PTO/SB/80 (12-03)  
Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:



Practitioners associated with the Customer Number:

043850

**OR**



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

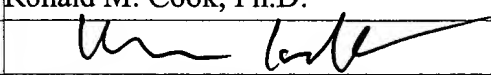
as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

**Biosearch Technologies, Inc.**  
**81 Digital Drive**  
**Novato, CA 94949**

**A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.**

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Ronald M. Cook, Ph.D.		
Signature			Date 9/22/04
Title	President and Chief Executive Officer	Telephone	(415) 883-8400

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to be and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ronald M. Cook Confirmation No.: 2668  
Serial No.: 09/591,185 Art Unit: 1635  
Filed: June 8, 2000 Examiner: Epps Ford, Janet L.  
For: *Fluorescence Energy Transfer Probes with Stabilized Conformations* Attorney Docket No.: 061873-5002-US

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71  
WITH STATEMENT UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints the registered attorneys at Morgan, Lewis & Bockius LLP associated with customer no. 43850 as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71; provided that, if any one of these appointed attorneys ceases being affiliated with the law firm of Morgan, Lewis & Bockius LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all correspondence for this application to the address associated with customer no. 43850.

I am the:

- ☐ Applicant/Inventor  
☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
(Statement under 37 CFR 3.73(b) is applicable)

**Statement Under 37 C.F.R. 3.73(b)**

Biosearch Technologies, Inc. states that it is:

- ☒ the assignee of the entire right, title, and interest; or  
☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of:

☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on September 28, 2000 at Reel 011198, Frame 0116, or for which a copy thereof is attached.

OR

☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To:

The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: To:

The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: To:

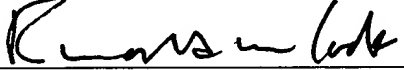
The document was recorded in the United States Patent and Trademark Office on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

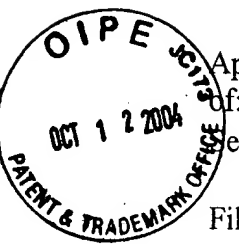
☐ Copies of assignments of other documents in the chain of title are attached.

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date:	<u>Sept 27, 04</u>	ASSIGNEE:	<b>Biosearch Technologies, Inc.</b>
		Signature:	<u></u>
		Typed Name:	Ronald M. Cook
		Position/Title:	President and CEO
		Address:	Biosearch Technologies, Inc. 81 Digital Drive Novato, CA 94949

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application See Attached Schedule A

Of:  
Serial No.: See Attached Schedule A

Filed: See Attached Schedule A

For: See Attached Schedule A

Attorney Docket No: See Attached  
Schedule A

REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

Biosearch Technologies, Inc., owner of the entire right, title and interest in, to and under the inventions listed in the attached Schedule hereby revokes all previous powers of attorney and appoints Morgan, Lewis & Bockius LLP, customer no. 43850, and each of them, its attorneys, to prosecute these matters, and to transact all business in the Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Morgan, Lewis & Bockius LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all future correspondence to the address associated with Customer Number 43850 and direct all telephone calls to Morgan, Lewis & Bockius LLP at (650) 493-4935.

Date:

July 12, 2004

Assignee:

Biosearch Technologies, Inc.

Signature:

Ron Cook

Typed Name:

RON COOK

Position/Title:

PRES/CEO

Address:

81 Digital Drive  
Novato, California 94949

## **SCHEDULE A**

**[U.S.]**

<b>Serial No./Patent No:</b>	<b>Filing Date/Issue Date:</b>	<b>Title:</b>	<b>1<sup>st</sup> Named Inventor:</b>	<b>Docket No:</b>
09/591,185	June 8, 2000	Fluorescence Energy Transfer Probes With Stabilized Conformations	Ronald M. Cook	61873-5002-US
09/567,863	May 9, 2000	Dark Quenchers For Donor-Acceptor Energy Transfer	Ronald M. Cook	61873-5004-US
10/690,806	October 21, 2003	Luminescent Metal Ion Complexes	Ronald M. Cook	61873-5007-US
10/824,175	April 13, 2004	Xanthene Dyes	Mark Reddington	61873-5011-US

Attorney Docket No.: 19079-000310US

**ASSIGNMENT OF PATENT APPLICATION**

SOLE

WHEREAS, Ronald M. Cook, of 7 Meadow Lane, Novato, CA 94947, hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:      **FLUORESCENCE ENERGY TRANSFER PROBES  
WITH STABILIZED CONFORMATIONS**

Date(s) of execution of Declaration:    September 28, 2000

Filing Date:              June 8, 2000

Application No.:          09/591,185; and

WHEREAS, Biosearch Technologies, Inc., located at 81 Digital Drive, Novato, CA, 94949, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignor hereby authorizes and requests Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: 9/28/2000

Ronald M. Cook  
Ronald M. Cook

STATE OF CALIFORNIA     )  
                                      )  
COUNTY OF Marin     )     ss.

On 28<sup>th</sup> Sept. 2000, before me, Javad Forouzeh, personally appeared Ronald M. Cook, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Javad Forouzeh  
NOTARY PUBLIC

My Commission Expires: Sept 1<sup>st</sup> 2004

SF 1128960 v1

